IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

R.S.A. No. 377 of 2005.

Judgement reserved on:

Date of decision : May 1, 2006.

Jai Chand …….. Appellant.

Versus

Shalig Ram and ors. ……. Respondens.

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?

For the appellant: Mr. B.N.Sharma, Advocate.

For the respondents: Mr. Virender Sharma.

Surjit Singh J. (Oral).

Heard and gone through the record. Appellant- plaintiff filed a suit, seeking issuance of permanent prohibitory injunction restraining the respondents No. 1 and 2, who are impleaded as defendants, from interfering in his possession over certain land which is situated adjacent to the land of respondents No. 1 and 2. It was alleged that respondents No. 1 and 2, without having any concern with the plaintiff's land, which was described in the plaint, had been threatening to interfere therein.

Whether reporters of local Papers may be allowed to see the judgment?

Defendants denied that they had interfered or threatened to interfere in the land of the appellant. They conceded that the appellant was owner and in possession of the land, as described in the plaint. The trial court returned the finding that though the appellant was owner in possession of the suit land, get neither there was any interference nor any threat or interference and consequently, the suit was dismissed. The first appellate court has also returned the same finding. The two courts below have thus given a concurrent finding that there is no threat or interference by the respondents No. 1 and 2, in the possession of the plaintiff over the suit land. This being a finding of fact and based upon proper appreciation of evidence, as is made out from a reading of the judgements of both the courts below, no question of law, let alone a substantial question of law arises. Hence the appeal is dismissed.

CMPs No 658/05 & 1018/05.

Dismissed. Interim order dated 26.7.2005, is vacated.

May 1, 2006 **(Surjit Singh),**
(Hem) **Judge.**